

FORTY-SIXTH DAY - MARCH 17, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 17, 2005

PRAYER

The prayer was offered by Pastor Judith Rainforth, First Lutheran Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Beutler, Brown, Loudon, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 206. Placed on Select File as amended.
(E & R amendment, AM7059, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 268. Placed on Select File as amended.
E & R amendment to LB 268:
AM7058

- 1 1. On page 5, strike line 13 and insert "subtitle A,
- 2 chapter 1, subchapter J, part I, subpart E of the".

LEGISLATIVE BILL 439. Placed on Select File as amended.
E & R amendment to LB 439:
AM7060

- 1 1. In the Standing Committee amendment, AM0628:
- 2 a. On page 1, line 17, after "(5)" insert "(a)"; and in
- 3 line 23 strike "(a)", show as stricken, and insert "(i)";
- 4 b. On page 2, line 1, strike "(b)", show as stricken,

5 and insert "(ii)"; in line 2 strike "(c)", show as stricken, and
 6 insert "(iii)"; and in line 4 after the period insert paragraphing
 7 and "(b)"; and
 8 c. On page 6, line 5, strike "dealer" and insert
 9 "dealer's".
 10 2. On page 1, strike beginning with "88-535" in line 2
 11 through line 6 and insert "and 88-543, Reissue Revised Statutes of
 12 Nebraska, and sections 88-526 and 88-528, Revised Statutes
 13 Supplement, 2004; to change provisions relating to grain dealers
 14 and grain warehouses; to provide requirements relating to direct
 15 delivery grain; to harmonize provisions; to repeal the original
 16 sections; and to declare an emergency."

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORT Revenue

LEGISLATIVE BILL 500. Placed on General File as amended.
 Standing Committee amendment to LB 500:
 AM0773

- 1 1. Strike original section 26 and insert the following
- 2 new section:
- 3 "Sec. 30. Section 25-2501, Revised Statutes Supplement,
- 4 2004, is amended to read:
- 5 25-2501. It is the intent and purpose of sections
- 6 25-2501 to 25-2506 to establish a uniform procedure to be used in
- 7 acquiring private property for a public purpose by the State of
- 8 Nebraska and its political subdivisions and by all privately owned
- 9 public utility corporations and common carriers which have been
- 10 granted the power of eminent domain. Such sections shall not apply
- 11 to:
- 12 (1) Water transmission and distribution pipelines and
- 13 their appurtenances and common carrier pipelines and their
- 14 appurtenances;
- 15 (2) Public utilities and cities of all classes and
- 16 villages when acquiring property for a proposed project involving
- 17 the acquisition of rights or interests in ten or fewer separately
- 18 owned tracts or when the acquisition is within the corporate limits
- 19 of any city or village;
- 20 (3) Sanitary and improvement districts organized under
- 21 sections 31-727 to 31-762 when acquiring easements for a proposed
- 22 project involving the acquisition of rights or interests in ten or
- 23 fewer separately owned tracts;
- 24 (4) Counties and municipalities which acquire property
- 1 through the process of platting or subdivision or for street or
- 2 highway construction or improvements;
- 3 (5) Common carriers subject to regulation by the Federal
- 4 Railroad Administration of the United States Department of

5 Transportation; ~~or~~

6 (6) The Department of Roads when acquiring property for
7 highway construction or improvements; or

8 (7) Contracting public bodies when making acquisitions
9 pursuant to an approved development project plan under the
10 Entertainment and Tourism Development Act."

11 2. On page 2, line 1, strike "30" and insert "29".

12 3. On page 3, line 8, after "cities" insert ",
13 counties,".

14 4. On page 4, line 1; page 6, line 9; page 8, line 24;
15 page 9, lines 5, 13, and 21; page 10, line 13; page 11, line 25;
16 page 12, lines 3 and 23; page 13, lines 10, 13, and 26; page 14,
17 lines 9, 12, 15, 17, and 22; page 15, lines 1, 2, 4, 17, and 27;
18 page 16, line 13; page 17, line 9; and page 29, lines 17, 20, 23,
19 and 27, after each occurrence of "city" insert ", county,".

20 5. On page 4, line 14, after "equipment" insert ",
21 furniture, fixtures,".

22 6. On page 5, line 3, strike "and (q)" and insert "(q)
23 engineering, architecture, and other designated planning expenses
24 incurred in connection with development of the project; (r)
25 capitalized interest; (s) legal, accounting, consulting, and all
26 other related expenses to develop and finance the development
27 project; and (t)"; strike beginning with "either" in line 9 through
1 "in" in line 15; and in line 28 strike "such" and insert "the" and
2 strike "village" and insert "county".

3 7. On page 6, line 1, strike "an abundance" and insert
4 "a high proportion"; and in line 17 after the first comma insert
5 "county board,".

6 8. Strike beginning on page 7, line 27, through page 8,
7 line 6, and insert the following new subdivision:

8 "(22) Qualified business activities means any activities
9 conducted by a company engaged in tourism, entertainment, or other
10 activities that are expected to be a significant contributor to
11 substantial retail purchases by travelers who are not residents of
12 this state which include, but are not limited to: Selling tangible
13 personal property or services at retail; providing or sponsoring
14 educational, musical, recreational, historical, civic, cultural,
15 and athletic activities; providing lodging and related services;
16 and sponsoring conventions, meetings, trade shows, and educational
17 events. Qualified business activities does not include any
18 business which is primarily engaged in the sale of tangible
19 personal property if the same or a substantially similar business
20 is operated in the state within twenty-five miles of the
21 development project at the date of the project application or was
22 operated in the state in the two years prior to the date of
23 application within twenty-five miles of the development project;".

24 9. On page 8, line 25, after the first "an" insert
25 "eligible" and strike "in" through "city".

26 10. On page 9, line 4, after the period insert "Such an

- 27 area shall not be within the zoning jurisdiction of a city of the
 1 metropolitan, primary, first, or second class for an applying
 2 county.".
- 3 11. On page 10, line 22, after "city's" insert ";
 4 county's,".
- 5 12. On page 11, lines 8 and 9, strike "thirty-six months
 6 after the date of designation" and insert "two years after the
 7 effective date of this act".
- 8 13. On page 12, line 11, after "companies" insert "and
 9 any anticipated developments contemplated by the company and any
 10 related companies".
- 11 14. On page 13, line 1, strike "and"; and in line 8
 12 before the period insert "; and
- 13 (j) A detailed plan outlining the financing of the
 14 proposed development project, including the amount to be obtained
 15 from any public entity, tax proceeds, or bond issue".
- 16 15. On page 19, line 10, strike "board" and insert
 17 "Department of Revenue".
- 18 16. On page 21, line 2, after "county" insert "in which
 19 is" and strike "in"; in line 3 after "district" insert "that is
 20 outside the boundaries of any municipality with a local option
 21 sales tax"; and in line 8 after the period insert "The total rate
 22 of county and municipal sales taxes imposed on transactions shall
 23 not exceed one and one-half percent".
- 24 17. On page 28, line 20, strike "and (c)" and insert
 25 "(c) the contracting public body shall not, in consequence of the
 26 annexation under this subdivision of any noncontiguous land, make
 27 further annexations contiguous to the noncontiguous annexed land
 1 until such time as there is a lawful annexation of sufficient
 2 intervening territory so as to directly connect the noncontiguous
 3 area to the main body of the contracting public body, (d) there
 4 shall be no annexation across county lines, and (e)".
- 5 18. On page 30, line 2, strike "lightening" and insert
 6 "lightning"; and strike lines 7 through 27 and insert the following
 7 new subsection:
 8 "(2) In addition to the requirements of subsection (1) of
 9 this section, the requirements of the Relocation Assistance Act
 10 apply for the fair and equitable treatment of persons displaced as
 11 a result of any development project".
- 12 19. On page 50, line 19, strike "section" and insert
 13 "sections 25-2501 and"; and in line 20 strike "is" and insert
 14 "are".
- 15 20. Renumber the remaining sections and correct internal
 16 references accordingly.

(Signed) David Landis, Chairperson

MESSAGE FROM THE GOVERNOR

March 15, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were reappointed to the Nebraska Environmental Trust Board.

APPOINTEES:

Paul Dunn, 5322 Corby #12, Omaha NE 68104
Susan Seacrest, 6540 Crooked Creek Drive, Lincoln NE 68516
Gloria Erickson, 315 18th Avenue, Holdrege NE 68949

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

REPORTS

The following reports were received by the Legislature:

Revenue, Department of

Employment and Investment Growth Act, Employment Expansion and Investment Incentive Act (including Enterprise Zone Act), Quality Jobs Act, Rural Economic Opportunities Act, and Invest Nebraska Act (LB 775, LB 1124, LB 608, LB 829, LB 936, and LB 620)

Roads, Department of

Board of Public Roads Classifications and Standards Minutes for January 2005

University of Nebraska

Collective Bargaining Negotiations Status Report

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 16, 2005, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Engl, Jennifer L.
Cargill Inc.

Weak, Jeffrey John
Metro Omaha Theme Park

MOTION - Approve Appointments

Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 867:

Nebraska Information Technology Commission
Susan Heider

Voting in the affirmative, 37:

Aguilar	Cunningham	Howard	Mines	Schrock
Baker	Engel	Janssen	Pahls	Smith
Bourne	Erdman	Johnson	Pedersen, Dw.	Stuhr
Brashear	Fischer	Kopplin	Pederson, D.	Thompson
Burling	Flood	Kremer	Preister	Wehrbein
Byars	Foley	Kruse	Price	
Cornett	Friend	Landis	Raikes	
Cudaback	Heidemann	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 7:

Chambers	Connealy	Langemeier	Synowiecki
Combs	Hudkins	Redfield	

Excused and not voting, 5:

Beutler	Brown	Jensen	Louden	Stuthman
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The appointment was confirmed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 867:

Nebraska Motor Vehicle Industry Licensing Board
Jess Hull

Voting in the affirmative, 33:

Aguilar	Cornett	Foley	Kopplin	Price
Baker	Cudaback	Friend	Kremer	Schimek
Bourne	Cunningham	Heidemann	Kruse	Stuhr
Brashear	Engel	Howard	Mines	Synowiecki
Burling	Erdman	Hudkins	Pahls	Wehrbein
Byars	Fischer	Janssen	Pedersen, Dw.	
Connealy	Flood	Johnson	Preister	

Voting in the negative, 0.

Present and not voting, 11:

Chambers	Langemeier	Raikes	Smith
Combs	McDonald	Redfield	Thompson
Landis	Pederson, D.	Schrock	

Excused and not voting, 5:

Beutler	Brown	Jensen	Louden	Stuthman
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The appointment was confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 10.

A BILL FOR AN ACT relating to wages; to amend section 48-1220, Reissue Revised Statutes of Nebraska; to modify the definition of employer for purposes of sexual discrimination; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Cudaback	Howard	McDonald	Schimek
Baker	Cunningham	Hudkins	Mines	Smith
Beutler	Engel	Janssen	Pahls	Stuhr
Bourne	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Brashear	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Preister	Wehrbein
Combs	Foley	Kruse	Price	
Connealy	Friend	Landis	Raikes	
Cornett	Heidemann	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 2:

Burling Schrock

Excused and not voting, 5:

Brown Chambers Jensen Louden Stuthman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 76 with 41 ayes, 1 nay, 2 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 76. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-462, 60-462.01, 60-465, 60-484, 60-490, 60-4,131, 60-4,132, 60-4,137, 60-4,141, 60-4,143, 60-4,144, 60-4,149.01, 60-4,159, and 60-4,168, Reissue Revised Statutes of Nebraska, and section 29-3608, Revised Statutes Supplement, 2004; to change provisions relating to commercial driver's licenses; to adopt federal provisions for commercial motor vehicles; to change provisions relating to transporting hazardous materials; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Aguilar	Cudaback	Hudkins	McDonald	Schrock
Baker	Cunningham	Janssen	Mines	Smith
Beutler	Engel	Johnson	Pahls	Stuhr
Brashear	Erdman	Kopplin	Pedersen, Dw.	Thompson
Burling	Fischer	Kremer	Pederson, D.	Wehrbein
Byars	Foley	Kruse	Preister	
Combs	Friend	Landis	Price	
Connealy	Heidemann	Langemeier	Raikes	
Cornett	Howard	Louden	Redfield	

Voting in the negative, 0.

Present and not voting, 4:

Bourne	Flood	Schimek	Synowiecki
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Excused and not voting, 4:

Brown	Chambers	Jensen	Stuthman
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 94.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1505.04, Revised Statutes Supplement, 2004; to modify provisions regarding the payment of fees for pollutants; to clarify existing provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Cornett	Heidemann	Langemeier	Redfield
Baker	Cudaback	Howard	Louden	Schimek
Beutler	Cunningham	Hudkins	McDonald	Schrock
Bourne	Engel	Janssen	Mines	Smith
Brashear	Erdman	Johnson	Pahls	Stuhr
Burling	Fischer	Kopplin	Pedersen, Dw.	Stuthman
Byars	Flood	Kremer	Pederson, D.	Synowiecki
Combs	Foley	Kruse	Price	Thompson
Connealy	Friend	Landis	Raikes	Wehrbein

Voting in the negative, 1:

Preister

Excused and not voting, 3:

Brown	Chambers	Jensen
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 98 with 42 ayes, 1 nay, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 98.

A BILL FOR AN ACT relating to elections; to amend sections 23-3557, 23-3575, 32-331, 32-558, 32-559, 32-807, 32-808, 32-936, 32-938 to 32-952, 32-958, 32-1027, 32-1030, 32-1031, 32-1032, 32-1502, 32-1539, 32-1544, 42-1207, and 53-122, Reissue Revised Statutes of Nebraska, and section 10-703.01, Revised Statutes Supplement, 2004; to provide for early voting; to delete references to absentee voting; to change provisions relating to special elections by mail; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Cudaback	Howard	McDonald	Schimek
Beutler	Cunningham	Hudkins	Mines	Schrock
Bourne	Engel	Janssen	Pahls	Smith
Brashear	Erdman	Johnson	Pedersen, Dw.	Stuhr
Burling	Fischer	Kopplin	Pederson, D.	Stuthman
Byars	Flood	Kruse	Preister	Synowiecki
Combs	Foley	Landis	Price	Thompson
Connealy	Friend	Langemeier	Raikes	Wehrbein
Cornett	Heidemann	Louden	Redfield	

Voting in the negative, 0.

Present and not voting, 2:

Baker	Kremer
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Excused and not voting, 3:

Brown	Chambers	Jensen
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 139 with 42 ayes, 1 nay, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 139. With Emergency.

A BILL FOR AN ACT relating to the public power industry; to amend sections 70-301, 70-601.01, 70-604, 70-604.02, 70-626, 70-628.01, 70-628.02, 70-628.03, 70-628.04, 70-631, 70-632, 70-636, 70-637, 70-646.01, 70-655, 70-667, 70-802, 70-1402, 70-1403, 70-1404, 70-1409, 70-1413, 70-1416, and 70-1417, Reissue Revised Statutes of Nebraska, and section 70-601, Revised Statutes Supplement, 2004; to authorize hydrogen production, storage, and distribution for use in fuel processes as prescribed; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Cudaback	Hudkins	McDonald	Schrock
Baker	Cunningham	Janssen	Mines	Smith
Beutler	Engel	Jensen	Pahls	Stuhr
Bourne	Erdman	Johnson	Pedersen, Dw.	Stuthman
Brashear	Fischer	Kopplin	Pederson, D.	Synowiecki
Burling	Flood	Kremer	Preister	Thompson
Byars	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	
Cornett	Howard	Louden	Schimek	

Voting in the negative, 0.

Excused and not voting, 2:

Brown	Chambers
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 169.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1803, Reissue Revised Statutes of Nebraska; to change provisions relating to revenue bonds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Cunningham	Janssen	Mines	Smith
Beutler	Engel	Jensen	Pahls	Stuhr
Bourne	Erdman	Johnson	Pedersen, Dw.	Stuthman
Brashear	Fischer	Kopplin	Pederson, D.	Synowiecki
Burling	Flood	Kremer	Preister	Thompson
Byars	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	
Cornett	Howard	Louden	Schimek	
Cudaback	Hudkins	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Baker

Excused and not voting, 2:

Brown Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 198.

A BILL FOR AN ACT relating to schools; to amend section 79-475, Reissue Revised Statutes of Nebraska, and section 79-1022, Revised Statutes Supplement, 2004; to provide for state aid payment adjustments to reflect transfers of property as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Cudaback	Hudkins	Mines	Smith
Baker	Cunningham	Janssen	Pahls	Stuhr
Beutler	Engel	Jensen	Pedersen, Dw.	Stuthman
Bourne	Erdman	Johnson	Pederson, D.	Synowiecki
Brashear	Fischer	Kopplin	Preister	Thompson
Burling	Flood	Kremer	Price	Wehrbein
Byars	Foley	Kruse	Raikes	
Combs	Friend	Landis	Redfield	
Connealy	Heidemann	Langemeier	Schimek	
Cornett	Howard	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 2:

Brown Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 236.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-179, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation court review procedure; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Cunningham	Janssen	Mines	Smith
Baker	Engel	Jensen	Pahls	Stuhr
Beutler	Erdman	Johnson	Pedersen, Dw.	Stuthman
Bourne	Fischer	Kopplin	Pederson, D.	Synowiecki
Brashear	Flood	Kremer	Preister	Thompson
Burling	Foley	Kruse	Price	Wehrbein
Byars	Friend	Landis	Raikes	
Combs	Heidemann	Langemeier	Redfield	
Connealy	Howard	Louden	Schimek	
Cudaback	Hudkins	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Cornett

Excused and not voting, 2:

Brown Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 238 with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 238.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-115, 48-118, 48-120, 48-125, 48-126, 48-136, 48-144.01, 48-144.03, 48-144.04, 48-145, 48-146, 48-146.03, 48-155.01, 48-178, 48-178.01, and 48-1,117, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation coverage, terminology, computation of interest, first injury reports, policy cancellation or nonrenewal, self-insurers, and acting judges; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Cudaback	Hudkins	McDonald	Schrock
Baker	Cunningham	Janssen	Mines	Smith
Beutler	Engel	Jensen	Pahls	Stuhr
Bourne	Erdman	Johnson	Pedersen, Dw.	Stuthman
Burling	Fischer	Kopplin	Pederson, D.	Synowiecki
Byars	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	
Cornett	Howard	Louden	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Brashear

Excused and not voting, 1:

Brown

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BRASHEAR PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 48, 49, 50, 51, and 52 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 48, 49, 50, 51, and 52.

SENATOR CUDABACK PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 243. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-162.02, 71-1796, and 71-17,100, Reissue Revised Statutes of Nebraska; to create the Nebraska Center for Nursing Fund; to authorize the allocation of fees to the fund; to extend the termination date of an act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Aguilar	Cornett	Howard	Louden	Schimek
Baker	Cudaback	Hudkins	McDonald	Schrock
Beutler	Cunningham	Janssen	Mines	Smith
Bourne	Engel	Jensen	Pahls	Stuhr
Brashear	Erdman	Johnson	Pedersen, Dw.	Stuthman
Burling	Fischer	Kopplin	Pederson, D.	Synowiecki
Byars	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	

Voting in the negative, 0.

Excused and not voting, 1:

Brown

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 243A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 243, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Cornett	Howard	Louden	Schimek
Baker	Cudaback	Hudkins	McDonald	Schrock
Beutler	Cunningham	Janssen	Mines	Stuhr
Bourne	Engel	Jensen	Pahls	Stuthman
Brashear	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Preister	Wehrbein
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 1:

Brown

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 244. With Emergency.

A BILL FOR AN ACT relating to occupational therapy; to amend section 71-6123, Revised Statutes Supplement, 2004; to provide an operative date for certain provisions; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Aguilar	Cornett	Howard	Louden	Schimek
Baker	Cudaback	Hudkins	McDonald	Schrock
Beutler	Cunningham	Janssen	Mines	Smith
Bourne	Engel	Jensen	Pahls	Stuhr
Brashear	Erdman	Johnson	Pedersen, Dw.	Stuthman
Burling	Fischer	Kopplin	Pederson, D.	Synowiecki
Byars	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	

Voting in the negative, 0.

Excused and not voting, 1:

Brown

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 246.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-434 and 71-6054, Reissue Revised Statutes of Nebraska; to change health care facility license fee provisions; to change provisions relating to nursing home administrators performing duties in more than one facility; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Cornett	Howard	Louden	Schimek
Baker	Cudaback	Hudkins	McDonald	Schrock
Beutler	Cunningham	Janssen	Mines	Smith
Bourne	Engel	Jensen	Pahls	Stuhr
Brashear	Erdman	Johnson	Pedersen, Dw.	Stuthman
Burling	Fischer	Kopplin	Pederson, D.	Synowiecki
Byars	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	

Voting in the negative, 0.

Excused and not voting, 1:

Brown

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 262.

A BILL FOR AN ACT relating to cemeteries; to amend sections 12-402, 16-242, and 17-946, Reissue Revised Statutes of Nebraska; to authorize certain cities and villages to use funds for the purchase and development of land as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Cudaback	Hudkins	McDonald	Schrock
Baker	Cunningham	Janssen	Mines	Smith
Bourne	Engel	Jensen	Pahls	Stuhr
Brashear	Erdman	Johnson	Pedersen, Dw.	Stuthman
Burling	Fischer	Kopplin	Pederson, D.	Synowiecki
Byars	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	
Cornett	Howard	Louden	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Brown

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 264.

A BILL FOR AN ACT relating to social services; to amend sections 68-1202, 68-1207, and 68-1207.01, Reissue Revised Statutes of Nebraska; to provide for secondary prevention services; to provide duties for the Director of Health and Human Services relating to caseloads; to change provisions relating to reports; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Cudaback	Hudkins	McDonald	Schrock
Beutler	Cunningham	Janssen	Mines	Smith
Bourne	Engel	Jensen	Pahls	Stuhr
Brashear	Erdman	Johnson	Pedersen, Dw.	Stuthman
Burling	Fischer	Kopplin	Pederson, D.	Synowiecki
Byars	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	
Cornett	Howard	Louden	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Baker

Excused and not voting, 1:

Brown

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 284 with 40 ayes, 2 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 284.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-354, 60-356, and 75-386, Reissue Revised Statutes of Nebraska; to update references to the International Registration Plan; to change provisions relating to trip permits; to eliminate an obsolete duty of the Division of Motor Carrier Services; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Cudaback	Hudkins	McDonald	Schrock
Baker	Cunningham	Janssen	Mines	Smith
Beutler	Engel	Jensen	Pahls	Stuhr
Bourne	Erdman	Johnson	Pedersen, Dw.	Stuthman
Brashear	Fischer	Kopplin	Pederson, D.	Synowiecki
Burling	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	
Cornett	Howard	Louden	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Byars

Excused and not voting, 1:

Brown

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BRASHEAR PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 10, 76, 94, 98, 139, 169, 198, 236, 238, 243, and 243A.

SENATOR CUDABACK PRESIDING**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

LEGISLATIVE BILL 298. With Emergency.

A BILL FOR AN ACT relating to environmental remediation; to amend section 76-288, Reissue Revised Statutes of Nebraska, and section 66-1510, Revised Statutes Supplement, 2004; to redefine a term under the Petroleum Release Remedial Action Act; to adopt the Uniform Environmental Covenants Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Aguilar	Cornett	Heidemann	Langemeier	Redfield
Baker	Cudaback	Howard	Louden	Schimek
Beutler	Cunningham	Hudkins	McDonald	Schrock
Brashear	Engel	Janssen	Mines	Stuhr
Burling	Erdman	Jensen	Pahls	Stuthman
Byars	Fischer	Johnson	Pedersen, Dw.	Synowiecki
Chambers	Flood	Kopplin	Pederson, D.	Thompson
Combs	Foley	Kremer	Price	Wehrbein
Connealy	Friend	Kruse	Raikes	

Voting in the negative, 0.

Present and not voting, 4:

Bourne	Landis	Preister	Smith
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Excused and not voting, 1:

Brown

A constitutional two-thirds majority having voted in the affirmative, the bill

was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 355.

A BILL FOR AN ACT relating to cemeteries; to provide for the transfer of cemetery ownership from cemetery associations to cities and villages.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Cornett	Howard	Langemeier	Raikes
Baker	Cudaback	Hudkins	Louden	Redfield
Beutler	Cunningham	Janssen	McDonald	Schimek
Bourne	Engel	Jensen	Mines	Smith
Burling	Erdman	Johnson	Pahls	Stuhr
Byars	Fischer	Kopplin	Pedersen, Dw.	Stuthman
Chambers	Foley	Kremer	Pederson, D.	Thompson
Combs	Friend	Kruse	Preister	Wehrbein
Connealy	Heidemann	Landis	Price	

Voting in the negative, 0.

Present and not voting, 4:

Brashear	Flood	Schrock	Synowiecki
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Excused and not voting, 1:

Brown

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 441. With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-199 and 54-1,108, Reissue Revised Statutes of Nebraska; to change provisions relating to livestock brands; to change the livestock brand inspection fee; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Heidemann	Langemeier	Schimek
Baker	Cornett	Howard	Louden	Schrock
Beutler	Cudaback	Hudkins	McDonald	Smith
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Price	Wehrbein
Chambers	Foley	Kruse	Raikes	
Combs	Friend	Landis	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Preister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 533 with 42 ayes, 2 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 533. With Emergency.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-135, 8-318, 8-320, 8-702, 45-346, 45-348, 45-350, 45-703 to 45-707, 45-711, 45-910, 45-1001, 45-1005, 45-1006, 45-1013, 45-1024, 45-1032, 45-1033, and 45-1055, Reissue Revised Statutes of Nebraska, and sections 8-113, 8-115.01, 8-116.01, 8-120, 8-124, 8-143.01, 8-148, 8-157, 8-183.04, 8-1,140, 8-206, 8-213, 8-234, 8-305, 8-331, 8-355, 8-602, 8-701, 8-1006, 8-2401, 21-1725.01, 21-17,102, 21-17,115, 30-3116, 30-3117, 30-3803, 30-3805, 30-3810, 30-3822, 30-3836, 30-3837, 30-3849, 30-3855, 30-3867, 30-3878, and 30-3879, Revised Statutes Supplement, 2004; to change and eliminate provisions relating to banking, trust companies, and building and loan associations; to change credit report requirements of licensed executive officers; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change and provide fees; to restrict third-party use of financial institution trademarks and tradenames for marketing purposes as prescribed; to change provisions relating to deposit insurance, accounts of minors, state-federal cooperation, sales of checks, credit card banks, credit unions, installment sales, mortgage bankers, delayed deposit services, and installment loans; to provide for administrative fines; to authorize total return trusts as prescribed; to change provisions

relating to the Nebraska Uniform Trust Code; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal section 8-385, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Aguilar	Cornett	Howard	Louden	Schimek
Baker	Cudaback	Hudkins	McDonald	Schrock
Beutler	Cunningham	Janssen	Mines	Smith
Bourne	Engel	Jensen	Pahls	Stuhr
Brashear	Erdman	Johnson	Pedersen, Dw.	Stuthman
Burling	Fischer	Kopplin	Pederson, D.	Synowiecki
Byars	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Brown

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER BRASHEAR PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 244, 246, 262, 264, 284, 298, 355, 441, and 533.

SENATOR CUDABACK PRESIDING

MOTION - Return LB 335 to Select File

Senator Schrock moved to return LB 335 to Select File for his specific pending amendment, AM0824, found on page 883.

The Schrock motion to return prevailed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 335. The Schrock specific pending amendment, AM0824, found on page 883, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Dunn, Paul - Nebraska Environmental Trust Board - Natural Resources

Erickson, Gloria - Nebraska Environmental Trust Board - Natural Resources

Seacrest, Susan - Nebraska Environmental Trust Board - Natural Resources

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

GENERAL FILE

LEGISLATIVE BILL 739. The Standing Committee amendment, AM0747, printed separately and referred to on page 822 and considered on page 883, was renewed.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA106

Amend AM0747

On page 7, line 2 after "cash" insert ", but the wages of sin is death"

Senator Chambers withdrew his amendment.

Senator Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

(FA109 consists of Sections 5, 7, 10, and 12 of the Standing Committee amendment.)

Senator Chambers offered the following amendment to the first Standing Committee amendment:

FA108

Amend AM0747

On page 26, line 23 strike "ten" and insert "20".

SENATOR SCHIMEK PRESIDING**SENATOR CUDABACK PRESIDING**

Pending.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 739:

FA107

Amend AM0747

On page 15, line 15 strike "notify" and show as stricken, and insert "tattle to"

Senator Synowiecki filed the following amendment to LB 273:

AM0845

(Amendments to Standing Committee amendments, AM0639)

- 1 1. Strike amendment 1 and insert the following new
- 2 amendments:
- 3 "1. On page 2, line 4, strike 'rural'; in line 20 strike
- 4 'Rural Development Commission' and insert 'Department of Economic
- 5 Development'; in line 21 strike 'Department of Economic
- 6 Development' and insert 'Rural Development Commission'; in line 24
- 7 after 'project' insert 'or to a single political subdivision that
- 8 is doing a project within a designated enterprise zone pursuant to
- 9 42 U.S.C. 11501'; and in line 27 after 'subdivisions' insert 'or
- 10 the individual political subdivision'.
- 11 2. On page 3, line 4, strike 'or'; and in line 7 after
- 12 'time' insert ' or
- 13 (c) A designated enterprise zone pursuant to 42 U.S.C.
- 14 11501'; in line 9 strike 'collaborative'; and in line 13 after
- 15 'awarded' insert 'in the case of a single political subdivision
- 16 planning the project, directly to such political subdivision, and,
- 17 in the case of collaborating political subdivisions,'."

Senator Chambers filed the following amendment to LB 739:

FA113

Amend FA109

Strike section 10

Senator Chambers filed the following amendment to LB 739:

FA114

Amend FA109

Strike section 5.

Senator Chambers filed the following amendment to LB 739:

FA115

Amend FA109

Strike section 7.

Senator Chambers filed the following amendment to LB 739:

FA116

Amend FA109

Strike section 12.

STANDING COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 367. Placed on General File as amended.

Standing Committee amendment to LB 367:

AM0612

- 1 1. On page 5, line 7, after "paid" insert "and
- 2 information submitted"; and strike beginning with line 12 through
- 3 "received" in line 13 and insert "is not timely received or the
- 4 money is delinquent".

LEGISLATIVE BILL 468. Indefinitely postponed.

(Signed) Elaine Stuhr, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 17, 2005, at 10:45 a.m. were the following: LBs 10, 76e, 94, 98, 139e, 169, 198, 236, 238, 243e, 243Ae, 244e, 246, 262, 264, 284, 298e, 355, 441e, and 533e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 60. Introduced by Howard, 9.

WHEREAS, Marge Higgins served her Omaha constituents with distinction as a state senator from 1981-1988; and

WHEREAS, Marge Higgins was a strong leader for women legislators at a time in Nebraska and the United States when female legislators were rare; and

WHEREAS, during her legislative career Marge Higgins was an advocate for nursing home residents and fought for better and more dignified living conditions for Nebraska's elderly; and

WHEREAS, Marge Higgins was at the forefront of the consumer rights movement, passing legislation that required consumer reporting agencies to provide report copies to consumers; and

WHEREAS, Marge Higgins continued to fight for her issues in the 1986 campaign for Governor of Nebraska; and

WHEREAS, Marge Higgins served her community with service as chair

of the Douglas County Corrections Advisors Committee, director of the YWCA, and a member of the Douglas County Juvenile Court Judicial Nominating Committee, the American Legion Auxiliary, and the Fraternal Order of Eagles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature recognizes and honors the achievements of Marge Higgins.

2. That the Clerk of the Legislature send a copy of this resolution to Marge Higgins.

Laid over.

VISITORS

Visitors to the Chamber were Eric Hamilton from Omaha; Richard Smith from Elkhorn; 18 members of Leadership Columbus; Wil O'Shaughnessy from Omaha; 22 fourth-grade students and teacher from Blessed Sacrament, Lincoln; 50 Buffalo County Youth; fourth- and fifth-grade students and teacher from Center District 28, Buffalo County; 20 eighth-grade students and teacher from Lexington; 18 fourth-grade students and teacher from Pawnee City; Senator Pahls' wife, daughter, and son, Lyn, Morgan, and Jake Pahls and Andrew MacFarlane from Omaha, and Madysen Lenihan from Elkhorn; and 24 fifth-grade students and teacher from Meridian Public Schools, Daykin.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Langemeier, the Legislature adjourned until 10:00 a.m., Monday, March 21, 2005.

Patrick J. O'Donnell
Clerk of the Legislature